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PROBATION SERVICES STUDY COMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 232-9588 Fax: (317) 232-2554

LSA Staff:

Mark Goodpaster, Fiscal Analyst for the
Committee
Tim Tyler, Attorney for the Committee

Authority: P.L. 131-1998

MEETING MINUTES¹

Meeting Date: September 7, 2000
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St.,
Room 128
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. Scott Mellinger, Chair; Sen. Charles Meeks; Lance Hamner; Marty Womacks; Madonna Roach; Joe Hooker; Sharon Duke; David Matsey; Craig Hanks; Dave Powell; Jim Brewer; Robert Chamness.

Members Absent: Rep. Ralph Foley; Sen. Anita Bowser; Chris Beeson; Mary Beth Bonaventura; Glenn Boyster; Chris Cunningham; Judge Thomas Ryan; Iris Kiesling; Steve Cradick.

Representative Mellinger convened the meeting at 10:15 a.m. In its first action, the committee members approved the minutes of the previous meeting.

Juvenile Parole Violators

The first discussion item was the county cost of housing juvenile parole violators. Ron Leffler, Director of Juvenile Transition Programs for the Department of Correction (DOC), testified before the Committee. His testimony included the following points:

- During the past fiscal year, 259 juvenile parole violators stayed in detention for 328 days before the Department of Correction personnel returned them to DOC facilities.
- On a statewide basis, this was an average length of stay of 1.3 days per parole violator.
- The average number of days per district ranged from less than one day to 4.4 days.

Mr. Leffler also presented statistics of the juvenile parole violators by either parole district or day

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

treatment unit:

Parole District or Day Treatment Unit	Number of Parole Violators	Number of Days Held in Detention	Average Number of Days in Detention	Number of Counties Served	Number of Detention Centers
Parole Dist. #2	10	35	3.5	10	1
Day Treatment #2	14	61	4.4	1	1
Parole Dist. #3	64	2	0.0	8	2
Day Treatment #3	46	52	1.1	1	1
Parole Dist. #4A	7	7	1.0	10	1
Parole Dist. #4B	12	4	0.3	14	1
Parole Dist. #5	18	41	2.3	21	2
Parole Dist. #6	20	60	3.0	6	3
Parole Dist. #7	34	43	1.3	12	4
Parole Dist. #8	22	13	0.6	11	2
Day Treatment #8	12	10	0.8	1	1
Total	259	328	1.3	92	19

He indicated that this list does not include juveniles arrested for new crimes. He also told the members that DOC has a policy to transfer juveniles from the county of arrest to the DOC within 72 hours, but this deadline does not include weekends and holidays.

Mr. Leffler also said the DOC was not responsible for the entire costs of housing juvenile offenders.²

Committee members then discussed this issue in more detail. Representative Mellinger told the committee that when a delay occurs in DOC returning an adult parole violator to DOC facilities, the county records the number of days that the offender remains in jail and bills DOC. He said that the problem with retaining juveniles is that DOC does not reimburse the counties for the time that the juvenile parole violators are in county custody.

Mr. Chamness added that intake at DOC's juvenile facilities is limited to one day per week. Consequently, a delay of sometimes a week can occur before juveniles are transported back to DOC facilities once the court has entered an adjudication. He said that this is particularly a problem for counties that have no juvenile facilities and contract with other counties and entities for juvenile beds. Mr. Chamness gave the example of Wayne County, which pays Henry County \$135 per day for juvenile bed space. He said that while housing these juvenile parole violators is not a frequent problem, this becomes a budget issue because it is a cost for which the counties have not easily planned. In addition, Mr. Chamness said the state needs to have more facilities to hold these juveniles in a more timely manner.

² IC 11-10-2-3 specifies that "...[a] county that commits an offender to the department shall pay to the state treasurer, under IC 4-24-7-4, one-half (1/2) of the daily cost of keeping the offender in the facility or program to which he is assigned. That cost is determined by dividing the average daily population of that facility or program into the previous fiscal year's operating expense of that facility or program and dividing the quotient by the number of days in the previous fiscal year."

Chairman Mellinger emphasized that this problem is limited to juvenile parole violators. He said that the state reimbursed counties at \$35 per day for all adult offenders sentenced to DOC and held in county jails, even paroled violators.

Other members of the committee and in the audience commented about placing juvenile offenders in facilities outside their homes. David Powell, Prosecuting Attorney for Greene County, indicated that there is pressure on the courts and law enforcement agencies to place juveniles in facilities other than their own homes. This is, in part, because of the poor home environment of some juvenile offenders. Jeffrey Bercovitz, Director of Juvenile and Family Law for the Indiana Judicial Center, said that 22 counties have juvenile facilities with average daily costs generally exceeding \$100. Judge Matsey also commented that he had a juvenile defendant whose mother was the victim. Consequently, he could not place the juvenile back in his home.

Representative Mellinger concluded this discussion by indicating that the issue of housing juvenile parole violators is a fiscal issue that needs to be addressed by the General Assembly. He said that the final report that will be prepared for this committee will contain recommendations to address this issue.

Caseload and Workload Measures

The second discussion item was caseload studies and workload measures. Jeffrey Bercovitz, Director of Juvenile and Family Law, for the Indiana Judicial Center described to the committee how the Judicial Center developed a caseload and workload measurement system. By using this method, probation offices have a more rigorous method for determining their personnel needs and whether their current staff is adequate in number to accommodate its current and projected workload.³

Katherine Hurd-Holtzleiter, Chief Probation Officer for Madison County, told the committee members that her county began using this measure in 1993. She said she needed between 12 and 18 months of data from probation officers before she could use the system as a management tool.

She concluded that this system gave her an objective set of criteria she could use to close out many cases that were still opened because of unpaid fees. She was also able to assign cases geographically and to reassign some of the line officers' responsibilities to other administrative staff. She also found that more officers were not needed because her officer had fewer administrative cases. This reduced the caseloads from 110 to 80.

David Matsey, Starke Circuit Court, told the committee members that the case classification and workload measures helped him to justify to his county council the need for two additional probation officers. He said that he used the officers for more extensive pre-sentence reports that have resulted in better sentencing decisions.

Probation Officers

Ms. Hurd-Holtzleiter told the committee members that they do not train probation officers with firearms. In Madison County, the probation officers learn defense training tactics from the police department. Probation officers also have pepper spray, bullet proof vests, and radio frequency contact with the police.

³A copy of this presentation is included in Appendix A and can also be found in the Probation Services Study Committee's website at: <http://www.state.in.us/legislative/interim/committees/prob.html>.

Concerning user fees, Mr. Bercovitz told the committee members that probation user fees are collected and deposited in the supplemental probation services fund.

Representative Mellinger closed the meeting by announcing that the committee would examine the topic of probation officers' salaries at the next meeting.

Representative Mellinger adjourned the meeting at 12:00 p.m.